

ARTICLE 14

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

Legislative Intent. It is the intent of this Article to achieve both the purposes set out in Title 15.1-489 of the Code of Virginia and the following specific purposes of: (1) providing increased flexibility in the laws governing the development of those areas in Warrenton which are now substantially open land and encouraging such development in directions that will recognize both the changes in design and technology in the building industry and the new demands in the housing market; (2) insuring that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development of said substantially open areas consistent with the reasonable enjoyment of neighboring properties; (3) encouraging the more efficient allocation and maintenance by private initiative of Common Open Space ancillary to new residential areas; (4) encouraging the more efficient use of those public facilities required in connection with new residential development; (5) encouraging innovations in residential and nonresidential development so that the growing demands of Warrenton may be met by greater variety in type, design, and layout of buildings; and, (6) encouraging the development of affordable housing for local residents.

14-1 General Planning Considerations

In considering an application for Planned Unit Development (PUD), the Town Council may request information which will aid in determining that:

- The population density of the PUD is consistent with the recommended population density embodied in the Comprehensive Plan and zoning for that area.
- The incorporation of the development with existing land use and the proposed land uses adjacent to the site have been attempted.
- The conditions and availability of adjacent streets to efficiently and safely afford movement of the volume of vehicles to be generated by development have been met.
- Additional community facilities made necessary by the proposed development will be provided.
- Additional public services made necessary by the proposed development will be provided or funds reserved for them.
- The adequacy of utility services is sufficient for the proposed uses.
- The amount and relationship of the various types of dwellings proposed by the development are documented.
- The ratio of dwelling units to be owner occupied and rental is documented.
- The amount, location, and proposed use of permanent open space achieved by the development are illustrated.

- The preservation of trees, groves, watercourses, scenic points, historic spots, and other community assets and landmarks will be incorporated.

14-2 Standards and Criteria for Planned Unit Development

This Article is formulated according to the principle that the PUD is an innovative departure from the traditional concept of zoning. In providing guidance for PUD, the following standards and criteria are outlined in order to present respective minimum and maximum regulations.

14-2.1 General Criteria:

- Application of the Planned Unit Development Article. The applications and provisions of this Article shall be applied only to an area of not less than twenty-five (25) adjacent and/or contiguous acres within any R district.
- A PUD Master Plan will be developed. This Plan shall include maps and narrative text that describe the location of and relationships between all residential and commercial development, public facilities, roadways, open space and recreation areas, and other proposed major facilities.
- The Plan shall provide for at least two dwelling types.
- A density bonus system is offered to encourage private sector development of affordable dwelling units (ADU), which shall include individuals eligible for assistance under the following state or federal programs:
 - Virginia Housing Development Authority
 - Section 8 Rental Assistance Program
 - Department of Housing and Urban Development Community Block Grant Program
 - Farmer's Home Administration Program
 - Other programs similar to those named herein as approved by Town Council
- The developer must provide assurance to the Town that the ADU's will continue to be available for this purpose for at least twenty-five (25) years. This assurance will take the form of a deed restriction, restrictive covenants, or other form of legal and binding agreement approved by the Town Attorney and Town Council.
- The density bonuses outlined in Article 11, Section 11-8 shall be permitted in conjunction with the ADU density bonus. The maximum density shall not exceed twenty-five (25) dwelling units per gross acre. Percentages of density increase are to be applied separately and are not to be compounded. The Planning Commission must recommend the density bonus and the Town Council must approve it through the special use permit process, as outlined in Article 4, Section 4-8.
- ADU's should first be made available to persons residing or working in the Town of Warrenton or Fauquier County. The developer shall contact the appropriate local Social

Service and/or Housing Authority offices for identification and placement of residents ninety (90) days prior to advertising the availability of the units.

- Not more than fifty (50) percent of the total number of dwelling units shall be provided in apartment uses.
- No building designed or intended to be used, in part or in whole, for commercial purposes shall be constructed prior to the completion of not less than twenty (20) percent of the dwelling units proposed in the Plan. The Council shall further have the authority to waive or modify the criteria established in this section, if, in the opinion of the Council it shall determine that the grant of such waiver or modification (i) shall advance the legislative intent and general planning considerations underlying the Planned Unit Development District and this Ordinance, (ii) shall be in general conformity with the adopted Comprehensive Plan, and (iii) shall not create an adverse effect on adjacent land uses.
- Recreational and open space uses shall be incorporated into each phase or stage of development in the manner prescribed by the Plan. Applicable recreational facilities shall be completed prior to construction of the next phase.
- Town Council reserves the right to disapprove any subarea densities that are in excess of that which would otherwise be allowed for the same dwelling type under this Ordinance.
- The applicant shall designate geographic sections and identify the number and type of dwellings of the entire parcel to be developed as a Planned Unit Development.
- The unique nature of a proposal for Planned Unit Development may require that the specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established in the provisions of the Town of Warrenton Public Facilities Manual. The Council may therefore waive or modify the specifications otherwise applicable for a particular public facility where the Council finds that such specifications are not required in the interest of the residents of the Planned Unit Development and that the modifications of such specifications are not inconsistent with the interests of the Town. Proposed specifications and standards that are contrary to those required under the prevailing Town regulatory codes shall be termed acceptable upon approval by the Director of Public Works.

14-3 Use Regulations. A building may be erected, altered, or used, and a lot or premises may be used or occupied, for any of the following purposes, and no other.

14-3.1 Uses Permitted by Right:

- Single-family detached dwelling units, conventional and cluster.
- Townhouses, conventional and cluster.
- Two-, Three-, and Four-Family dwelling units, conventional and cluster.
- Duplexes, Triplexes, and Quadriplexes.

- Apartments
- Accessory buildings.
- Home occupations.
- Yard sale or garage sale for disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three (3) days, and include items assembled only from households of adjoining neighbors.
- Parks and playgrounds.
- Churches and community buildings.
- Off-street parking for permitted uses subject to Article 24.
- Open space subject to Articles 23 and 14-7.
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit.

14-3.2 Uses Permitted by Special Use Permit. The following uses may be permitted upon authorization of the Town Council subject to Article 4, Section 4-8:

- Affordable Dwelling Units (ADU), within areas designated for multifamily development, at densities of up to twenty (20) dwelling units per gross acre, with a density bonus of up to twenty-five (25) units per gross acre in accordance with the density bonus system of Article 11, Section 11-8.
- Child care center, day care center, or nursery school.
- Family care homes, foster homes, or group homes serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons.
- Schools.
- Institutions, education and philanthropic, including museums, art galleries, and libraries.
- Swim and tennis clubs.
- Home professional offices.
- Professional and business offices.
- Commercial uses permitted in the CL District by right or by special use permit. Regardless whether those uses would be by-right or by special use permit in the district.
- Clinics.
- Banks and savings and loan offices.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings.
- Active and passive recreation and recreational facilities.
- Assisted living facilities. (5-14-96).

14-4 Density and Area Regulations

- 14-4.1 Maximum density. The maximum density computed over the entire PUD shall not exceed that specified in the Comprehensive Plan, such computation to exclude from the land area only those streets which are to be constructed as a part of the PUD. In addition, the maximum density computed over the entire PUD shall not exceed that permitted for the cluster alternate in the zoning district or

districts in force in the PUD area at the time of the PUD application unless appropriate changes in zoning districts are approved as a part of the PUD approval. Density bonuses may be awarded in accordance with district schedules as a part of the design approval for the PUD, but not to exceed overall densities specified by the Comprehensive Plan.

<u>Use</u>	Minimum Setbacks					
	<u>Minimum Lot Size</u> ¹	<u>Minimum Lot Width</u> ²	<u>Maximum Lot Coverage</u> ³	<u>Front</u> ⁴	<u>Side</u>	<u>Rear</u>
Single-Family	10,000	80	70%	25	10	20
Single-Family, Cluster	6,000	60	80%	25	8	15
Two-Family; Three-Family; Four-Family	9,000	70	70%	25	15	25
Duplexes ⁵	2,000 sq. ft. per unit	40	50%	25	20	25
Duplexes, Cluster ⁵	2,000 sq. ft. per unit	35	75%	25	15	25
Townhouses; ⁵ Triplexes; Quadriplexes	2,000 sq. ft. per unit	20 for interior 30 for end units	50%	25	20	25
Townhouses, Cluster ⁵	1,800 sq.ft. per unit	20 for interior, 30 for end units	75%	25	15	25
Apartments	10,000	150	50%	50	50	50
Apartments, ADU	10,000	80	70% ⁶	none	15	35
Apartments, ADU Cluster Bonus	10,000	80	70% ⁶	none	15	35
Nonresidential Uses	10,000	80	75%	40	25 or equal to bldg. height	
Other Uses	10,000	80	80%	40	15	20

1. expressed in square feet
2. as measured at the front setback
3. includes all impervious surfaces
4. as measured from the street right-of-way
5. dimensions are for each unit

6. may be increased to 80% if within 600 feet of recreation area (see Section 14-7.3)

The minimum area regulations may be modified by the Town Council in accordance with the provisions of Section 4-8.2a. (Amended by Council 11-12-97)

14-5 Height Regulations

Buildings may be erected up to thirty-five (35) feet in height, measured from mean finished grade, except that:

- The height limit for residential dwellings and nonresidential uses may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height above thirty-five (35) feet.
- The height limit for apartment structures may be increased up to seventy-five (75) feet and up to seven (7) stories provided each side yard is fifty (50) feet plus one (1) foot or more of side yard for each additional foot of building height above thirty-five (35) feet.
- A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from mean finished grade provided that required front, side, and rear yards shall be increased one (1) foot or more for each foot in height over thirty-five (35) feet.
- Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, and television antennae are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- No accessory building which is within twenty (20) feet of any party lot line shall be more than fifteen (15) feet high. All accessory buildings shall be less than the main building in height.

14-6 Special Provision for Accessory Structures

- Accessory buildings shall not be located closer than five (5) feet to any rear or side property line or within ten (10) feet of the main structure, except that an accessory building may be built on the property line as a party wall, provided the applicant files with the Zoning Administrator the written consent of the owners of the adjoining properties, and the exterior walls are of masonry construction. Provision must be made for disposal of roof water onto the subject property or to the nearest storm sewer.
- Attached accessory buildings and structures shall be subject to same setback as main structure.
- Open fire escapes of noncombustible material may project into side or rear yards by not more than four (4) feet and be no closer to any property line than five (5) feet.

14-7 Open Space Considerations

14-7.1 A minimum of twenty-five (25) percent of the site shall be set aside as open space exclusive of street right-of-way. A minimum of one half of this open space shall be Common Open Space. Common Open Space refers to open space within the boundaries of the planned unit development designed and set aside for use-by all residents of the planned unit development or by residents of a designated portion of the development, and not dedicated as public lands. The location of the Common Open Space shall be planned as a contiguous area located for maximum benefit of the residents, preserving, and where possible, enhancing natural features.

14-7.2 In determining the amount and location of required permanent open space, the Town Council may request that the applicant:

- Differentiate between open space and the Common Open Spaces and require a reasonable amount of prepared active recreation facilities to be incorporated into the open space plan;
- Preserve all steeply sloped areas (twenty-five (25) percent slope or greater) for permanent Common Open Space;
- Identify any commercial recreational land use anticipated which land use shall not be part of the required minimum amount of open space;
- Identify any community or institutional recreational facility deemed appropriate by the Town Council and made necessary by the magnitude and density of the Planned Unit Development, which use shall be included in the minimum acreage for open space, provided that such use shall not exceed fifty (50) percent of the minimum area required to be in Common Open Space;
- Document and make the appropriate assurances for the ownership and maintenance of the Common Open Space which insures its continuation and conservation as outlined in Article 23, General Provisions for Open Space.

14-7.3 For ADU developments: A developer can increase lot coverage to eighty (80) percent if the proposed development is within six hundred (600) feet of public active recreation and open space, and residents do not have to cross a roadway that has a speed limit of greater than thirty-five (35) miles per hour, or that is more than two (2) lanes in width, to reach such space.

14-8 Special Parking Considerations

In order for developers to achieve densities that are allowed under the ADU density bonus, the following reductions may be allowed with the approval of Town Council:

- Single room occupancies: 1.0 parking space per unit
- Studio/Efficiency: 1.25 parking spaces per unit
- One Bedroom: 1.5 parking spaces per unit
- One Bedroom and Den: 2.0 parking spaces per unit

14-9 Lighting

Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference. Lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

Refuse containers or refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences, walls, or landscape planting.

14-10 Application for Rezoning to PUD

14-10.1 The application for a change in zoning to the PUD district shall be accompanied by certain detailed information to be executed by or on behalf of the landowner and filed with the Planning Director. An initial fee, in the amount set forth by the Town Council by resolution shall be paid upon filing of the application.

14-10.2 The application for approval shall include documentation illustrating compliance with all of the Standards and Criteria for Planned Unit Development in Section 14-2 and where necessary the Town Council may request additional documentation to aid them in their review.

14-10.3 Required documentation shall include, but not be limited to, documents illustrating the following:

- The location and size of the area involved in the Planned Unit Development;
- The proposed use areas and net residential density of each proposed land use;
- The location, function, size, ownership, and manner of maintenance of the Common Open Space;
- The uses, dimensions, and location of all buildings and other structures;
- Information showing the feasibility of proposals for sanitary sewerage and storm water disposition;
- The location of all utility systems;
- The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of the land, buildings, and structures including proposed grants or easements for public utilities;
- The provision for parking of vehicles and location and right-of-way widths of proposed grants or easements for public utilities;
- In the case of plans which call for development over a period in excess of two years, a schedule showing the time within which applications for final approval of all parts of the Planned Unit Development are intended to be filed, which-plans shall be updated annually on the anniversary of submission for final approval;

- A site plan illustrating phasing, where applicable;
- . A traffic impact analysis, when required by the Planning Director.

14-10.4 One copy of every application for approval received by the Planning Director shall be forwarded to the Warrenton Planning Commission for study and recommendation. The Town Planning Commission shall review and report upon the application to the Council.

14-11 Public Hearing

A public hearing on the application shall be held by the Planning Commission and Council as for any other amendment to the Zoning Ordinance, pursuant to public notice as set forth in Title 15.1-431 of the Code of Virginia.

14-12 Findings

After conclusion of the public hearing, the Council shall, by official written communication to the applicant, either (1) grant approval of the Plan as submitted; (2) grant approval subject to specified required revision not included in the Plan as submitted; or (3) deny approval of the Plan.

In the event that approval is granted subject to required revisions, the applicant may, within thirty (30) days after receiving a copy of the Council's written resolution, give written notice of his refusal to accept all of the revisions in which case the Council shall be deemed to have denied approval of the Plan.

14-13 Site Plan Approval.

All approved PUD developments shall be required to obtain site plan approval pursuant to Chapter 27 of this Ordinance. Notwithstanding any other provision hereof, the Council reserves to itself the consideration and approval of such site plans.

14-14 Administration and Review

- Issuance of permits and all matters pertaining to administration of the Plan as finally approved shall be the responsibility of the Zoning Administrator.
- Upon the applicant's showing compliance with the requirements of final approval, the Zoning Administrator shall issue permits for construction pursuant to the Plan, or initial section thereof.
- The Provisions of Article 4 of the Warrenton Zoning Ordinance governing Administration and Enforcement shall be fully applicable to the Plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Article and the conditions of final approval.

- Nothing in this Article shall relieve the landowner from complying with the Town Of Warrenton Public Facilities Manual and all other pertinent codes and ordinances of the Town of Warrenton unless a specific waiver is granted by the Town Council, based upon unique conditions.

(Amended 1/13/98)